

**COPY**Practitioner's Docket No. MPI97-03SCPIIM**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: Acton, Susan L., et al.Application No.: 09/163,648Group No.: 1654Filed: September 30, 1998Examiner: Gupta, AnishFor: ANGIOTENSIN CONVERTING ENZYME HOMOLOG AND THERAPEUTIC  
AND DIAGNOSTIC USES THEREFOR

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. SECTION 1.191)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed December 14, 2004, finally rejecting claims: 2-16 and 45-59.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

☒ other than a small entity.

☐ a small entity.

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☐ deposited with the United States Postal Service in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. SECTION 1.8(a)****37 C.F.R. SECTION 1.10\***

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☒ transmitted by facsimile to the Patent and Trademark Office. (703) 872-9306

Signature

Keri Pollard Schray

(type or print name of person certifying)

Date: February 7, 2005

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(Page 1 of 3)

02/11/2005 6:18:00 PM  
01 FC:1251  
02 FC:1401

**COPY**Practitioner's Docket No. MP197-035CP1M

A statement:

- ☐ is attached.  
☐ was already filed on \_\_\_\_\_.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. Section 41.20(b)(1), the fee for filing the Appeal Brief is:

- ☐ small entity \$250.00  
☒ other than a small entity \$500.00

Notice of Appeal fee due \$500.00**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$2,160.00	\$1,080.00

Fee \$120.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- (a) ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this \$0.00  
 request \_\_\_\_\_

(Page 2 of 3)

**COPY**Practitioner's Docket No. MPI97-035CP1M

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

or

- (c) ☒ Applicant is requesting an extension of time concurrently herewith.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$500.00  
Extension fee (if any) \$0.00

**TOTAL FEE DUE** \$500.00**5. FEE PAYMENT**

- ☐ Attached is a check in the sum of \$ \_\_\_\_\_  
☒ Charge Account No. 501668 the sum of \$500.00  
A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

- ☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 501668.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 501668.

February 7, 2005

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(Page 3 of 3)